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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,119	05/30/2006	Johan Cornelis Talstra	NL 031439	5196
24737 7590 10/02/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER CHU, KIM KWOK	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 10/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,119	Applicant(s) TALSTRA ET AL.	
	Examiner Kim-Kwok CHU	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre-Amendment filed on 5/30/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Arrangement of the Specification

1. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.

If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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Applicant should add above section titles to the specification filed on 5/30/2008.

Information Disclosure Statement

2. Applicant should file an information disclosure statement which listed all the references provided from the International Search Report filed on 5/30/2006.

Drawing Objection

3. Figures 1-3 should be designated by a legend such as -- Prior Art-- according to Applicant's specification, sections 0028-0030.

Claim Objections

4. Claims 1-13 are objected to because of the following informalities:

(a) in claim 1, the numerical labels, for example, (7), (25), etc. should be deleted; and

(b) similarly, in Claims 2-13, all the numerical labels should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) in Claim 1, line 2, the phrase "main channel" is not clear on whether it belongs to the claimed data zone or initial zone. Applicant should clarify that the main channel is for recording information in the data zone;

(b) similarly, in Claim 9, line 3, the phrase "main channel" is not clear on whether it belongs to the claimed data zone or initial zone. Applicant should clarify that the main channel is for recording information in the data zone;

(c) in addition, in each of the Claims 10, line 3; Claim 11, line 3 and Claim 12, line 3, the phrase "main channel" is not clear on whether it belongs to the claimed data zone or initial zone. Applicant should clarify that the main channel is for recording information in the data zone;

(d) in Claim 8, last line, the term "Buffer Zone" is not clear because the claimed DVD does not define a Buffer Zone.

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Applicant should clarify the location of the claimed Buffer Zone in the DVD;

(e) in Claim 9, last two lines, the phrase "is used for protecting said content" is not clear because Applicant does not claim any step on how the protection information is used to protect the content of the main channel; and

(f) similarly, in Claim 10, lines 5 and 6, the phrase "by means for using content protection information for protection of said content" is not clear because Applicant does not claim any means/device so that protection information is used by the means/device to protect the content of the main channel.

The claims not specifically mentioned above are indefinite based upon their dependence on an indefinite claim.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, Machine, manufacture, or composition of matter, or any new and useful improvement thereof may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 is drawn to a data recorded on a medium as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

10. Claims 1-5 and 9-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sako et al. (U.S. Patent 7,142,494).

11. Sako teaches a recording carrier having all of the steps as recited in claims 1-5. For example, Sako teaches the following:

(a) with respect to Claim 1, the record carrier 1 (Fig. 1A) having a data zone PA (Fig. 1C) and an initial zone LI (Fig. 1C) and comprising a main channel (data such as DA) storing content and a side channel S1, K2 and headers (Fig. 1C; header of each recorded sector is an inherent features) for storing address information and data relevant for making recordings (column 5, lines 41-53; S1 and K2 contain addresses for a specific encrypted data), characterized in that content protection information K2 for protection of the content DA (Fig. 1C) is stored in the side channel S1 in the data zone PA (Fig. 1C).

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(b) with respect to Claim 2, the content protection information K2 comprises a key block Kb (Figs. 1C and 6; column 10, lines 45-52).

(c) with respect to Claim 3, the content protection information K2 comprises a reference, in particular a pointer, to a storage location of a key block stored in the initial zone (Figs. 1C and 7B; column 5, lines 41-53; S1 and K2 contain addresses for a specific encrypted data).

(d) with respect to Claim 4, the content protection information K2 comprises a reference, in particular a pointer (address), to a storage location of a backup K1 of the key block stored in the initial zone LI (Fig. 1C; K1 and K2 are same content protection information for accessing the encrypted DA).

(e) with respect to Claim 5, the content protection information K2 is stored as a part of the address information (Figs. 1C and 7B; a header including address, sync signal etc. positioned in front of the DA is an inherent feature).

12. Method claim 9 is drawn to the method of using the corresponding apparatus claimed in claim 1. Therefore method claim 9 corresponds to apparatus claim 1 and is rejected for the same reasons of anticipation as used above.

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13. Claim 10 has limitations similar to those treated in the above rejection, and is met by the references as discussed above.

14. Sako teaches an apparatus for reading out protected content stored on a record carrier having all of the elements and means as recited in claim 11. For example, Sako teaches the following:

(a) with respect to Claim 11, the record carrier 1 (Fig. 1A) having a data zone PA and an initial zone LI (Fig. 1C) and comprising a main channel DA storing content and a side channel S1, K2 (Fig. 1C) storing address information and data relevant for making recordings, characterized by means 61 for reading out of the protected content, means 61 for reading out of content protection information for protection of the content stored in the side channel in the data zone, means 70-72 for decrypting the content using the content protection information (Fig. 6).

15. Method claim 12 is drawn to the method of using the corresponding apparatus claimed in claim 11. Therefore method claim 12 corresponds to apparatus claim 11 and is rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 6-8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sako (U.S. Patent 7,142,494) in view of Ishiguro et al. (U.S. Patent 7,010,124).

Sako teaches a record carrier player very similar to that of the present invention. For example, Sako teaches the following:

(a) with respect to Claim 8, a copy K1 of the content protection information K2 is stored in Buffer Zone (Fig. 1C; lead-in area has a copy K1 of K2).

However, Sako does not teach the following:

(a) with respect to Claim 6, the record carrier is a DVD+R disc or a DVD+RW disc and the side channel is an ADIP side channel.

(b) with respect to Claim 7, the record carrier is a DVD-R disc or a DVD- RW disc and the side channel is a LPP side channel.

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(c) with respect to Claim 8, the record carrier is a DVD.

Ishiguro teaches the following:

(a) the record carrier (DVD; column 3, lines 49) is a DVD+R disc or a DVD+RW disc and the side channel is an ADIP (pre-groove) side channel (column 7, lines 47-56).

(b) the record carrier (DVD; column 3, lines 49) is a DVD-R disc or a DVD- RW disc and the side channel is a LPP (pre-pit, land) side channel (column 7, lines 47-56).

(c) the record carrier is a DVD (DVD; column 3, lines 49).

Pre-grooves and Pre-pits in a DVD type recording medium are pre-formatted as header fields which contain address information of main recording data. Furthermore, Ishiguro uses the wobbling frequency of the pre-grooves and pre-pits as a form of encryption key data. Similarly, to record encryption key information with respect to the recorded main data, it would have been obvious to one of ordinary skill in the art to record Sako's encryption key information K2 in a header field in form of pre-grooves or pre-pits similar to Ishiguro's encryption key, because the key in a header field is linked to the corresponding main data content which is encrypted.

Related Prior Art

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taki et al. (7,401,231) is pertinent because Taki teaches that a key block is recorded in an optical recording medium.

Asano (7,088,822) is pertinent because Asano teaches that a key block is recorded in an optical recording medium.

Nagai et al. (6,938,162) is pertinent because Nagai teaches that a key is recorded in an optical recording medium.

Ueda (6,289,102) is pertinent because Ueda teaches that a key is recorded in an optical recording medium.

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19. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627

September 22, 2008
(571) 272-7585
/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627